

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PHILLIP WILLIAM THIESSEN,

Plaintiff,

vs.

Civ. No. 24-00122 KG/GJF

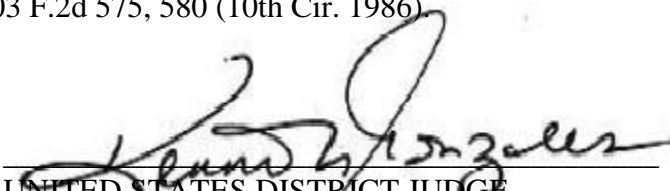
MARTIN O'MALLEY,
Commissioner of the Social Security
Administration,

Defendant.

ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT

The Court, having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 21), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$6,233.40 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES DISTRICT JUDGE

SUBMITTED AND APPROVED BY:

Filed Electronically 9/30/2024

Laura J. Johnson
Attorney for Plaintiff
Armstrong Johnson Law, LLC

Electronically Approved 9/30/2024

Michelle Verdis
Special Assistant U.S. Attorney
Office of Program Litigation - 6
Office of the General Counsel
Social Security Administration